

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

IN THE MATTER OF GRAND JURY
SUBPOENA #2225 ISSUED TO GOOGLE
LLC FOR INFORMATION ASSOCIATED
WITH EMAIL ACCOUNTS:
carey wholey@gmail.com; kyle tsenior@gmail.com;
nuclearsecrecy@gmail.com; and,
ronan452@gmail.com

Case No. 1:23-MJ-259

Filed Under Seal

APPLICATION FOR RENEWAL OF THE ORDER DATED AUGUST 18, 2023
COMMANDING GOOGLE LLC NOT TO NOTIFY ANY PERSON OF THE
EXISTENCE OF A GRAND JURY SUBPOENA

The United States of America requests that the Court order Google LLC (“Google”) not to notify any person, including the subscribers and customers of the accounts listed in Grand Jury Subpoena #2225, of the existence of the attached Grand Jury Subpoena #2225 for a period of one hundred eighty (180) days. On August 18, 2023, the United States District Court for the Eastern District of Tennessee entered an Order directing Google not to notify any person of the existence of the attached Grand Jury Subpoena #2225 for a period of one hundred eighty (180) days. The initial Application and Non-Disclosure Order are attached hereto as **Exhibits A and B**, respectfully.

Google is a provider of an electronic communications service, as defined in 18 U.S.C. § 2510(15), and/or a remote computing service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703(d), the United States obtained the attached subpoena, which requires Google to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for

such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

The investigation to which Grand Jury Subpoena #2225 relates is complex, ongoing, and pertains to the mishandling of classified information. In this case, such an order would be appropriate because the attached Grand Jury Subpoena #2225 relates to an ongoing criminal investigation that is neither public nor known to the target of the investigation, and its disclosure may alert the target to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the attached Grand Jury Subpoena #2225 will seriously jeopardize the investigation, including by giving the target an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, or notify confederates. *See* 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the target under investigation may delete that evidence.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing Google not to disclose the existence or content of Grand Jury Subpoena #2225, except that Google may disclose the attached Grand Jury Subpoena #2225 to an attorney for Google for the purpose of receiving legal advice, for a period of one hundred eighty (180) days from the issuance of the Court’s order, subject to renewal.

The United States further requests that the Court order that this application and any resulting order be sealed for a period of one hundred eighty (180) days unless such period is shortened or lengthened by further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to the target of the investigation.

Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize the investigation.

Respectfully submitted this 12th day of February 2024.

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